

FILED JUNE 27, 2008
08CV3700

JUDGE CASTILLO

MAGISTRATE JUDGE SCHENKIER

EDA

2190 mgp

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANNA BOTTIGLIERO,)	
)	
Plaintiff,)	
vs.)	No.:
)	
VALUE CITY DEPARTMENT STORES, LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant VALUE CITY DEPARTMENT STORES, LLC, by and through its attorneys, HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC, pursuant to 28 U.S.C. §§1332, 1441 and 1446, hereby submits its Notice of Removal, and in support thereof, states as follows:

1. On May 16, 2008, Plaintiff ANNA BOTTIGLIERO commenced this action by filing her Complaint at Law in the Circuit Court of Cook County, Illinois. (See Exhibit 1 hereto).
2. On May 29, 2008, Plaintiff completed service of process upon Corporation Service Company, defendant's registered agent (see Exhibit 2 hereto). Thus, this Notice of Removal is timely pursuant to 28 U.S.C. §1446(b).
3. In sum, Plaintiff alleges that on December 14, 2007, she tripped and fell at a retail store operated by defendant in Oak Lawn, Illinois, and sustained serious injuries, incurred "great medical expense," and will suffer future disability, all due to defendant's negligence.
4. Plaintiff's Complaint contains an open prayer for damages "in an amount in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS." Plaintiff's complaint is supported by

an attorney affidavit, executed pursuant to Illinois Supreme Court Rule 222, which confirms that the money damages sought by plaintiff in the instant action exceed \$50,000. (See Exhibit 1 hereto).

5. Moreover, plaintiff's counsel has provided limited medical records to defendant which state plaintiff suffered a fractured right shoulder as a result of the subject occurrence and reveal that her treatment has included physician examinations, an MRI study and a course of physical therapy (see Exhibit 3 hereto). On May 1, 2008, plaintiff's counsel told defendant's agent that plaintiff may require surgery to reduce her right shoulder fracture. Plaintiff has not yet disclosed the full amount of the medical bills she claims are related to the subject occurrence and which she intends to introduce into evidence at trial.

6. Based upon the allegations of the Complaint, the nature and extent of the claimed injury (right shoulder fracture), and other information contained herein, defendant submits there is a reasonable probability that the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

7. After the alleged occurrence, and while still present at the store on December 14, 2007, Plaintiff Bottiglierio provided store personnel with her home address: 8213 Orchard, Frankfort, Illinois 60423.

8. To bring things current, defendants retained an investigator who has discovered that Plaintiff Anna Bottiglierio resides at the same address today: 8213 Orchard, Frankfort, Illinois 60423. (See Affidavit of C. Fertel, Exhibit 4 hereto).

9. Based on the foregoing, defendants have made diligent efforts to obtain information related to Plaintiff's domicile and citizenship, and hereby submit a reasonable basis

to conclude that Plaintiff Bottiglierio is a citizen of and domiciled in Illinois for purposes as diversity jurisdiction.

10. At all times relevant, Value City Department Stores, LLC has been an Ohio Limited Liability Company and maintained its headquarters and principal place of business in Ohio. Furthermore, at all times prior to January 23, 2008, Retail Ventures, Inc. was the sole member of Value City Department Stores, LLC. At all times relevant, Retail Ventures, Inc. has been incorporated in Ohio and maintained its headquarters and principal place of business in Ohio. (See Affidavit of Julia A. Davis; Exhibit 5 hereto).

11. On January 23, 2008, Retail Ventures, Inc. disposed of its member interest in Value City Department Stores, LLC by fully contributing its member interest to Value City Holdings, Inc., a Delaware corporation with its offices in Wilmington, Delaware. (See Exhibit 5 hereto). Therefore, at all times relevant the sole members of defendant Value City Department Stores, LLC, have been citizens of Ohio or Delaware, and not of Illinois, for purposes of diversity jurisdiction.

12. Accordingly, diversity jurisdiction exists and defendant requests this Honorable Court remove the instant action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois. Copies of this Notice of Removal have been served upon all counsel of record and the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Defendant VALUE CITY DEPARTMENT STORES, LLC, respectfully request that this Honorable Court remove the instant action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, and for such other and further relief as this Court deems just.

Respectfully submitted,

HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC

By: /s/ Mark G. Poulakidas

Mark G. Poulakidas (ARDC No. 6230065)
HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC
Attorneys for Defendant
200 West Adams Street, Suite 500
Chicago, Illinois 60606
312-332-6644

614 478 2241

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

ANNA BOTTIGLIERO,

Plaintiff,

v.

VALUE CITY DEPARTMENT STORES, LLC.,
a foreign corporation,

Defendant.

No.

2008L005427
CALENDAR/ROOM C
TIME 00:00
Premises Liability

FILED
2008 MAY 16 PM 2:17
CLERK OF CIRCUIT COURT
LAW DIVISION

COMPLAINT AT LAW

NOW COMES the Plaintiff, ANNA BOTTIGLIERO, by and through her attorneys, JAMES M. RIDGE & ASSOCIATES, P.C., and complaining of the Defendant, VALUE CITY DEPARTMENT STORES, LLC., a foreign corporation (hereinafter referred to as "VALUE CITY") states as follows:

Count I
Negligence

1. That on and prior to December 14, 2007, Defendant VALUE CITY owned, controlled and maintained the premises located at 8716 South Cicero Avenue, Oak Lawn, Cook County, Illinois 60453.
2. That on and prior to December 14, 2007, Defendant VALUE CITY was a corporation duly organized and existing under the laws of the State of Illinois and authorized to do business in Illinois.
3. That at the time and place aforesaid, Plaintiff was an invited guest of Defendant when Plaintiff slipped and fell on Defendant's premises.
4. That, at all times herein complained of, the Plaintiff was in the exercise of due care and caution for her own safety.

5. That, at the time and place aforesaid, and while the Plaintiff was lawfully walking in the premises of Defendant VALUE CITY, Plaintiff ANNA BOTTIGLIERO was caused to trip, stumble and fall due to the dangerous and unsafe condition of the center aisle in VALUE CITY Department Store located at 8716 South Cicero, Oak Lawn, Cook County, Illinois.

6. That, prior to and at the time aforesaid, it was the duty of the Defendant VALUE CITY to own, operate, maintain and control said premises at 8716 South Cicero, Oak Lawn, Cook County, Illinois premises with reasonable care and caution so that those lawfully upon said center aisle and premises, including the Plaintiff herein, would not be injured, but, notwithstanding said duty, Defendant VALUE CITY was then and there guilty of one or more of the following wrongful acts and/or omissions:

- a. Carelessly and negligently failed to maintain the premises in a reasonably safe condition;
- b. Carelessly and negligently owned, operated, managed and controlled said premises;
- c. Carelessly and negligently failed to inspect the premises of any merchandise or other objects in the main aisle of the Value City Department store;
- d. Carelessly and negligently failed to warn Plaintiff of said unreasonably dangerous condition;
- e. Carelessly and negligently permitted merchandise and/or other objects in the aisles, forming a narrow aisle in which to enter the main aisle of said premises although the Defendant knew or should have known the same constituted a hazard and a danger to the life and limbs of people lawfully on the premises;
- f. Carelessly and negligently failed to make proper or any inspections of said aisles although Defendant knew or in the exercise of ordinary care should have known said premises should have been inspected.
- g. Otherwise carelessly and negligently owned, controlled and managed said aisles and premises.

7. That as a direct and proximate result of one or more of the foregoing acts or omissions of Defendant VALUE CITY, the Defendant, its agents, servants, and employees, Plaintiff, ANNA BOTTIGLIERO, slipped and fell, and sustained injury to her head, body and limbs, all of which she suffered injuries of a personal and pecuniary nature; and, that Plaintiff, ANNA BOTTIGLIERO, has incurred and will in the future incur great medical expense in an effort to cure said injuries; and, that Plaintiff, ANNA BOTTIGLIERO, has suffered and will in the future suffer great pain and agony because of said injuries; and, that Plaintiff, ANNA BOTTIGLIERO, has been and will in the future be greatly disabled because of said injuries.

WHEREFORE, Plaintiff, ANNA BOTTIGLIERO, prays this Honorable Court enter judgment against the Defendant, VALUE CITY DEPARTMENT STORES, INC. a foreign corporation, in an amount in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, plus costs of this suit.

Count II

Personal Injury/ Premises Liability Act

1. That on and prior to December 14, 2007, Defendant VALUE CITY owned, controlled and maintained the premises located at 8716 South Cicero Avenue, Oak Lawn, Cook County, Illinois 60453.

2. That at the time and place aforesaid, Plaintiff was an invited guest of Defendant.

3. That at the time and place aforesaid, Plaintiff slipped, tripped and fell over merchandise and other objects that were in the center aisle of the VALUE CITY DEPARTMENT STORE located at 8716 South Cicero Avenue, Oaklawn, Cook County, Illinois.

4. That at the time and place aforesaid, the Defendant was in violation of the Premises Liability Act, 740 ILCS 130/1, in one or more of the following ways:

- a. Permitting an agent, servant, and/or employee of Defendant to leave merchandise and other objects in the main aisle of Value City Department

614 478 2241

01:01 p.m. 06-02-2008

6/7

Store when Defendant knew or reasonably should have known that guests would be walking in this area;

- b. Failed to know that the main aisle had merchandise and other objects on it would have caused an unreasonable risk of harm and failed to know that the same constituted a hazard and a danger to the life and limbs of people lawfully on the premises;
- c. Failed to make proper or any inspections of said aisle and surrounding premises, although Defendant knew or in the exercise of ordinary care should have known said premises should have been inspected.

5. That as a direct and proximate result of one or more of the foregoing violations of the Premises Liability Act by Defendant, Plaintiff suffered injuries of personal and pecuniary nature.

WHEREFORE, the Plaintiff, ANNA BOTTIGLIERO, prays this Honorable Court enter judgment against the Defendant, VALUE CITY DEPARTMENT STORES, LLC, a foreign corporation, in an amount in excess of FIFTY THOUSAND (\$50,000.00) plus costs of this suit.

By:

JAMES M. RIDGE & ASSOCIATES, P.C.

Richard J. Murphy
One Of The Attorneys For Plaintiff

Richard J. Murphy
James M. Ridge & Associates, P.C.
Attorneys for Plaintiff
101 N. Wacker Drive, Suite 200
Chicago, Illinois 60606
(312) 372-8282
Attorney Code Code No. 36781

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

ANNA BOTTIGLIERO,

Plaintiff,

v.

VALUE CITY DEPARTMENT STORES, LLC.,
a foreign corporation,

Defendant.

No.

AFFIDAVIT OF DAMAGES
SUPREME COURT RULE 222

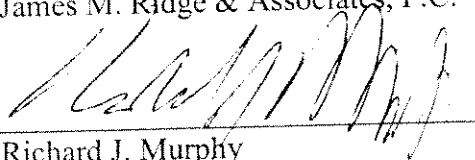
THE UNDERSIGNED, being first duly sworn upon oath, deposes and states that he is the attorney representing the plaintiff in the above-entitled cause of action seeking money damages or collection of taxes and states that this is a cause of action.

_____ DOES NOT EXCEED \$50,000.00

XXX DOES EXCEED \$50,000.00

James M. Ridge & Associates, P.C.

By:


Richard J. Murphy
One Of The Attorneys for Plaintiff

Richard J. Murphy
James M. Ridge & Associates, P.C.
Attorneys for Plaintiff
101 North Wacker Drive, Suite 200
Chicago, Illinois 60606
312/372-8282
Attorney Code No. 36781

COPY

2120 - Served 2121 - Served
2220 - Not Served 2221 - Not Served
2320 - Served By Mail 2321 - Served By Mail
2420 - Served By Publication 2421 - Served By Publication

SUMMONS

ALIAS SUMMONS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

ANNA BOTTIGLIERO,

Plaintiff,

v.

VALUE CITY DEPARTMENT STORES, LLC
a foreign corporation,

Defendant.

) No. 2008L005427
) CALENDAR/ROOM C
) TIME 00:00
) Premises Liability
)
) Serve the following:
) Illinois Corporation Service Corp.
) Registered Agent for Value City
) Department Stores, LLC
) 801 Adlai Stevenson Drive
) Springfield, IL 62703

SUMMONS

TO DEFENDANT VALUE CITY DEPARTMENT STORES, LLC:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court (located at Richard J. Daley Center, 50 West Washington, Room 801, Chicago, IL), within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED FOR IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Name: Richard J. Murphy
James M. Ridge & Associates, PC
Attorney for Plaintiff
Address: 101 N. Wacker Drive, Suite 200
Chicago Illinois 60601
Telephone: 312/372-8282
Cook County Attorney No. 36781

WITNESS, MAY 16 2008, 2008

DOROTHY BROWN
CLERK OF THE COURT

Clerk of the Court

Date of Service....., 2008
(To be inserted by officer on copy left
with defendant or other person)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

DEFENDANT'S
EXHIBIT

2

614 478 2241

01:26:19 p.m.

06-02-2008

1/7



CORPORATION SERVICE COMPANY

6/2/08

To: Jim Dunn
077904198029**Notice of Service of Process**BZT / PERINJ
Transmittal Number: 5808793
Date Processed: 05/29/2008

Primary Contact:

FROM: ~~Mr. Pam Anderson~~ Bob Younkin
Value City Department Stores - Risk Management
3241 Westerville Road
Columbus, OH 43224

Copy of transmittal only provided to:

Lisa Luby
Ms. Shereika Peaks
Mr. Bob Younkin

Entity:	Value City Department Stores LLC Entity ID Number 2329103
Entity Served:	Value City Department Stores, LLC
Title of Action:	Anna Bottiglieri vs. Value City Department Stores, LLC
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court:	Cook Circuit Court, Illinois
Case Number:	2008L005427
Jurisdiction Served:	Illinois
Date Served on CSC:	05/29/2008
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Plaintiff's Attorney:	Richard J. Murphy 312-372-8282



Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

CSC is SAS70 Type II certified for its Litigation Management System.

2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

MAY-22-2008 THU 10:22 AM

FAX NO

MAGISTRATE JUDGE SCHENKIER

EDA

PMI

Sports Medicine and Rehabilitation

7600 College Drive • Palos Heights, IL 60463 • Phone: 708-761-3147 • Fax: 708-761-3154

P.T. Initial Evaluation

Patient: Bottigliero, Anna	Date: 1-30-08
Diag: S/P R greater tuberosity fx	Physician: Dr. Baylis
D.O.B: 7-8-63	M.D. Appt. Date: 1-31-08
Clinician: Shari DeBoer, PT	D. of I/J Surg: 12-14-07/ NA
RN/WC: na	# Visits Attended/Missed: 1
Occupation/Sport: na	Work Status: na

TREATMENT SUMMARY: Treatment consisted of initial eval, followed by instruction in HEP for A/AROM ex and AROM.

SUBJECTIVE: Pt states on 12-14-07, she fell onto an outstretched hand injuring her shld. She states she went to the ER where x-rays were taken and revealed a fracture in her shld. Pt states she was put in a sling in an immobilizer for 2wks and has been out of that since the beginning of January. Pt states she continues to have a considerable amount of pain. She continues to take Norco on a regular basis for the pain. She is R handed and is currently trying to use her R hand for most activities, but is unable to perform overhead activities, reaching out to the side activities and is unable to lift anything with her R arm and has difficulty reaching overhead to comb or wash her hair.

OBJECTIVE:

Observation: Pt is carrying R UE in a guarded position against her body.

ROM: flexion 120° A, ABD 70° A, functional reach behind-back-to-sacrum, reach overhead unable to perform. PROM supine flexion 130°, ABD 80°, ER 40°, IR 50°.

Strength: L UE 5/5 throughout. R pt unable to tolerate resistance with flexion, ABD or ER. IP: at neutral is 4/5.

Palpation: Pt has significant palpable tenderness throughout shld region.

Function: Pt is currently not able to use R UE for functional activities. She is not able to perform overhead activities such as combing her hair, reports difficulty donning and doffing her jacket sleeves.

Neuro Status: Grossly intact to light touch. B UE are equal and symmetrical.

ASSESSMENT: Pt presents s/p R greater tuberosity fx on 12-14-07. Pt presents with significant deficits in AROM, strength, functional use of R UE. Pt tolerated initial eval fair. She demonstrates significant muscle guarding with PROM and significant tenderness to light touch. Pt was instructed in HEP and we discussed her diagnosis and POC.

STG: 2wks; Pt to be independent and compliant in HEP. Pt to be able to tolerate PROM and AROM ex within the clinic.

LTG: 4-6wks; Pt to improve AROM by 15-20° to assist pt with daily activities such as combing and washing her hair. Pt to improve strength allowing pt to perform lifting light objects onto a shelf in the kitchen. Pt to have decreased subjective c/o pain allowing pt to sleep through the night w/minimal disruption.

PLAN: 2-3xwk/3wks for modalities as necessary for pain and inflammation, manual techniques, PROM, AROM, strengthening and instruction in HEP. Thank you for this referral, if you have any questions please feel free to contact me.

DEFENDANT'S
EXHIBIT

3

MAY-22-2008 THU 10:22 AM

FAX NO.

P. 11

PMI DIAGNOSTIC IMAGING
Owned and Operated by PMI

Open MRI/Radiology
7600 West College Drive
Palos Heights, IL 60463

Open MRI 708-923-2577
Radiology 708-361-1337
Fax: 708-361-8425

PATIENT NAME: BOTTIGLIERO, ANNA
ID#: 145884
DOB: 7-8-63
REFERRING MD: Dr. Baylis
DATE OF EXAM: 3-12-08

EXAMINATION: MRI Right Shoulder

CLINICAL INDICATION: Trauma, pain.

FINDINGS: There is significant marrow edema of the humeral head and neck. A nondisplaced fracture at the level of the greater tuberosity is suggested.

There is soft tissue edema at the myotendinous junction of the supraspinatus. Increased signal intensity and increased thickness of the anterior fibers of the supraspinatus tendon and muscle are present. Findings are compatible with moderate to severe tendinosis. In addition, a nondisplaced avulsion type defect at the supraspinatus footprint on the greater tuberosity is suggested.

There is mild tendinosis of the infraspinatus and increased thickness of the subscapularis which may be related to chronic tendinosis.

Acromioclavicular arthritis is identified. There is a Type II acromion process.

The biceps tendon appears normal. There is mild fraying of the superior glenoid labrum without a frank tear. Prominent recess of the anterior superior labrum is noted.

There is a small joint effusion with mild subacromial and subdeltoid bursal fluid collections.

IMPRESSION:

1. Moderate to severe supraspinatus tendinosis. Nondisplaced avulsion type injury at the supraspinatus footprint on the greater tuberosity is suggested.
2. Infraspinatus and subscapularis tendinopathy.
3. Nondisplaced fracture of the humeral head at the level of the greater tuberosity with associated moderate bone contusion/marrow edema involving the humeral head and neck.
4. Fraying of the superior glenoid labrum.
5. Acromioclavicular arthritis.
6. See above discussion.

CCMSI

MAR 17 2008

MM:jr
D&T: 3-12-08

Michael A. Micaletti, M.D.
(Electronic Signature Authorized)

CHICAGO, IL

JUDGE CASTILLO
MAGISTRATE JUDGE SCHENKIER
EDA

2190 mgp

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANNA BOTTIGLIERO,)	
)	
Plaintiff,)	
vs.)	No.:
)	
VALUE CITY DEPARTMENT STORES, LLC,)	
)	
Defendant.)	

AFFIDAVIT OF COREY FERTEL


Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

1. I am a license private investigator in the State of Illinois and have been so licensed since 1998. I am over the age of 18 years old and I am not a party to the above-captioned litigation. As part of my daily job duties, I investigate and determine correct addresses of individuals and corporate entities, serve process in civil lawsuits, and provide affidavits of service for filing in federal and state courts.

2. I have investigated the current residence address of Anna Bottigliero and, based upon my investigation, I believe Mrs. Bottigliero's current home address is 8213 Orchard, Frankfort, Illinois 60423. My investigation included searches of public records.

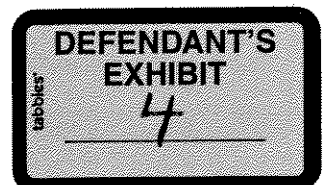
3. I have also exhausted all resources for locating any alternative residential address for Zelda Clark. The following resources were exhausted: Aircraft ownership, Bankruptcies, Judgments & Liens, Domain Registrations, Government Employee Loans or Contracts, Merchant Vessels, National Property Ownership, Phone Directory, Pilot's License, Inmate Search, Social Security Death Index, Driver's License Search, and Professional License Search.

Further, affiant sayeth not.



Corey Fertel

HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC
200 West Adams Street, Suite 500
Chicago, Illinois 60606
(312) 332-6644



2190 mgp

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANNA BOTTIGLIERO,)	
)	
Plaintiff,)	
vs.)	No.:
)	
VALUE CITY DEPARTMENT STORES, LLC,)	
)	
Defendant.)	

AFFIDAVIT OF JULIA A. DAVIS

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

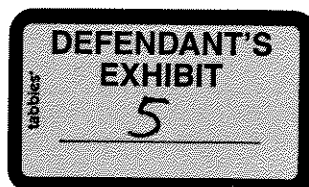
1. I am employed by the Retail Ventures, Inc. as Executive Vice President and General Counsel. In this capacity, I am familiar with the corporate citizenship, organization and ownership of Value City Department Stores, LLC.

2. I have reviewed the Complaint at Law filed by plaintiff Anna Bottiglierio and I am familiar with the allegations contained therein.

3. At all times from prior to the dates of the allegations contained within the Complaint at Law to January 23, 2008, Value City Department Stores LLC has been an Ohio limited liability company and a wholly-owned subsidiary of Retail Ventures, Inc., and maintained its headquarters and principal place of business at 3241 Westerville Road, Columbus, Ohio 43224.

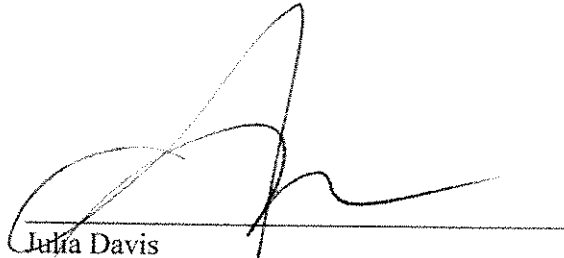
4. Thus, the sole member of Value City Department Stores, LLC prior to January 23, 2008 was Retail Ventures, Inc. At all times from prior to the dates of the allegations contained within the Complaint at Law to the present, Retail Ventures, Inc. has been incorporated in the state of Ohio, and maintained its headquarters and principal place of business at 3241 Westerville Road, Columbus, Ohio 43224.

5. On January 23, 2008, Retail Ventures, Inc. disposed of its interest in Value City Department Stores, LLC. This was accomplished by creating a holding corporation, Value City Holdings, Inc., a Delaware corporation, and the member interest in Value City Department Stores LLC was fully contributed to Value City Holdings, Inc. Retail Ventures then sold 81% of



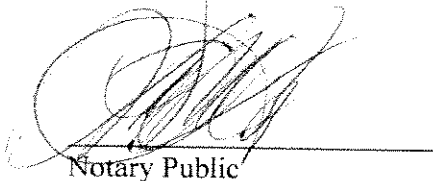
Value City Holdings, Inc. to new owners. At all times since the date of the incorporation of Value City Holdings, Inc., it has been a Delaware corporation with its offices in Wilmington, Delaware. Despite this change in ownership, Value City Department Stores LLC remains an Ohio limited liability company and its principal place of business remains at 3241 Westerville Road, Columbus, Ohio 43224.

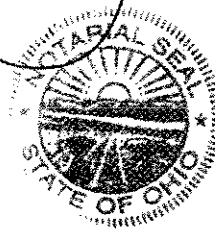
FURTHER AFFIANT SAYETH NOT.


Julia Davis

Subscribed and Sworn before me on this

27 day of June 2008.


Notary Public



Lisa M. Luby
Notary Public, State of Ohio
My Commission Expires
June 5, 2010

My commission expires: 6/5-10

Mark G. Poulakidas (ARDC #6230065)
HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC
Attorneys for Defendant
200 West Adams Street, Suite 500
Chicago, Illinois 60606
(312) 332-6644